

**CITY OF WEST DES MOINES  
BOARD OF ADJUSTMENT COMMUNICATION**

**Meeting Date:** July 24, 2013

**Item:** Permitted Conditional Use Permit - 1025 Ashworth Road Cellular Antennas – SBA Communications Corporation – 1025 Ashworth Road – Install six (6) cellular antennas and equipment shelter on the rooftop of an existing building (PC-2013-002)

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** The applicant, Steve Spencer with SBA Communications Corporation, who is representing New Cingular Wireless PCS, LLC (AT&T) is requesting approval to install six (6) cellular antennas and an equipment shelter on the rooftop of the Guide One building at 1025 Ashworth Road (see Attachment B: Location Map, Attachment C – Photo Simulations, and Attachment D: Typical Equipment Shelter).

**History:** The building was constructed in 1970 and housed the UNIVAC company. Currently, the building is owned by Guide One and houses various occupants. The property is zoned Profession Commerce Park. Co-location of cellular communications is allowed in this district.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on June 27, 2013, as an informational item only. No disagreement with the proposal was expressed.

**Staff Review and Comment:** There are no outstanding issues. Please note the following:

- A Non-Interference Agreement is required to be executed with the City to protect the operations of emergency communications from cellular and other communication equipment interference.

**Permitted Conditional Use Permit Findings:** The application presented for AT&T's installation of six (6) cellular antennas and associated rooftop equipment at 1025 Ashworth Road was reviewed by various City departments. Based upon that review and any conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.

5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

**Noticing Information:** On July 5, 2013, notice of the July 24, 2013, Board of Adjustment Public Hearing on this project was published in the Community Section of the *Des Moines Register*. Notice of this public hearing also was mailed to surrounding property owners within 370 feet of the subject property on July 2, 2013.

**Staff Recommendations and Conditions of Approval for the Permitted Conditional Use Permit:** Based upon the review of the proposal, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to install six (6) cellular antenna and associated rooftop equipment at 1025 Ashworth Road, subject to meeting all City Code requirements, regulations, and the following:

1. Executing a Non-Interference with Emergency Communication Agreement prior to the issuance of any building permit.
2. Providing final site plan drawings addressing all staff comments prior to the issuance of any building permit.
3. The antennas and equipment shelter must be painted to match the existing building.

**Applicant:** SBA Communications Corporation  
4038 Guion Lane  
Indianapolis, IN 46268  
Steven Spencer  
317-295-0513

**Property Owner:** Guide One Property & Casualty Insurance Company  
1111 Ashworth Road  
West Des Moines IA 50265  
Julie Brown  
515-321-3812

**Applicant's Representative:** Same as Applicant

**Comprehensive Plan:** Office  
**Existing Zoning:** Professional Commerce Park  
**Existing Land Use:** Multistory Office Building

**Surrounding Land Uses:**

**North**      **Existing Land Use:** Apartments  
                 **Existing Zoning:** Residential High Density  
                 **Comprehensive Plan Designation:** High Density Residential

**East**        **Existing Land Use:** Lodge of Ashworth  
                 **Existing Zoning:** Residential High Density  
                 **Comprehensive Plan Designation:** High Density Residential

**South**       **Existing Land Use:** Single Family Residential  
                 **Existing Zoning:** Single Family Residential  
                 **Comprehensive Plan Designation:** Residential Single Family

**West**        **Existing Land Use:** Guide One  
                 **Existing Zoning:** Professional Commerce Park  
                 **Comprehensive Plan Designation:** Office

**Total Land Area:** 5.22 acres

**Impervious Area:** Not Calculated for this application

**Attachments:**

Attachment A	-	Permitted Conditional Use Resolution
Attachment B	-	Location Map
Attachment C	-	Photo Simulations
Attachment D	-	Typical Equipment Shelter

Prepared by: KTragesser Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

**RESOLUTION**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT (PC-2013-002) TO ALLOW THE INSTALLATION OF SIX (6) CELLULAR ANTENNA AND ROOFTOP EQUIPMENT AT 1025 ASHWORTH ROAD

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, the applicant, SBA Communications Corporation, has requested approval of a Permitted Conditional Use permit to install cellular antenna and related equipment on the roof of the building located at 1025 Ashworth Road, and legally described as follows:

Legal Description of Property

(See Exhibit B – Legal Description)

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on July 24, 2013, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-2013-002);

**NOW, THEREFORE**, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

**SECTION 1.** The findings, for approval, in the staff report, dated July 24, 2013, or as amended orally at the Board of Adjustment hearing of July 24, 2013, are adopted.

**SECTION 2.** PERMITTED CONDITIONAL USE PERMIT (PC-2013-002) is approved, subject to compliance with all the conditions in the staff report, dated July 24, 2013, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on July 24, 2013

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Jennifer Drake, Chairperson  
Board of Adjustment

ATTEST:

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Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on July 24, 2013, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

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Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

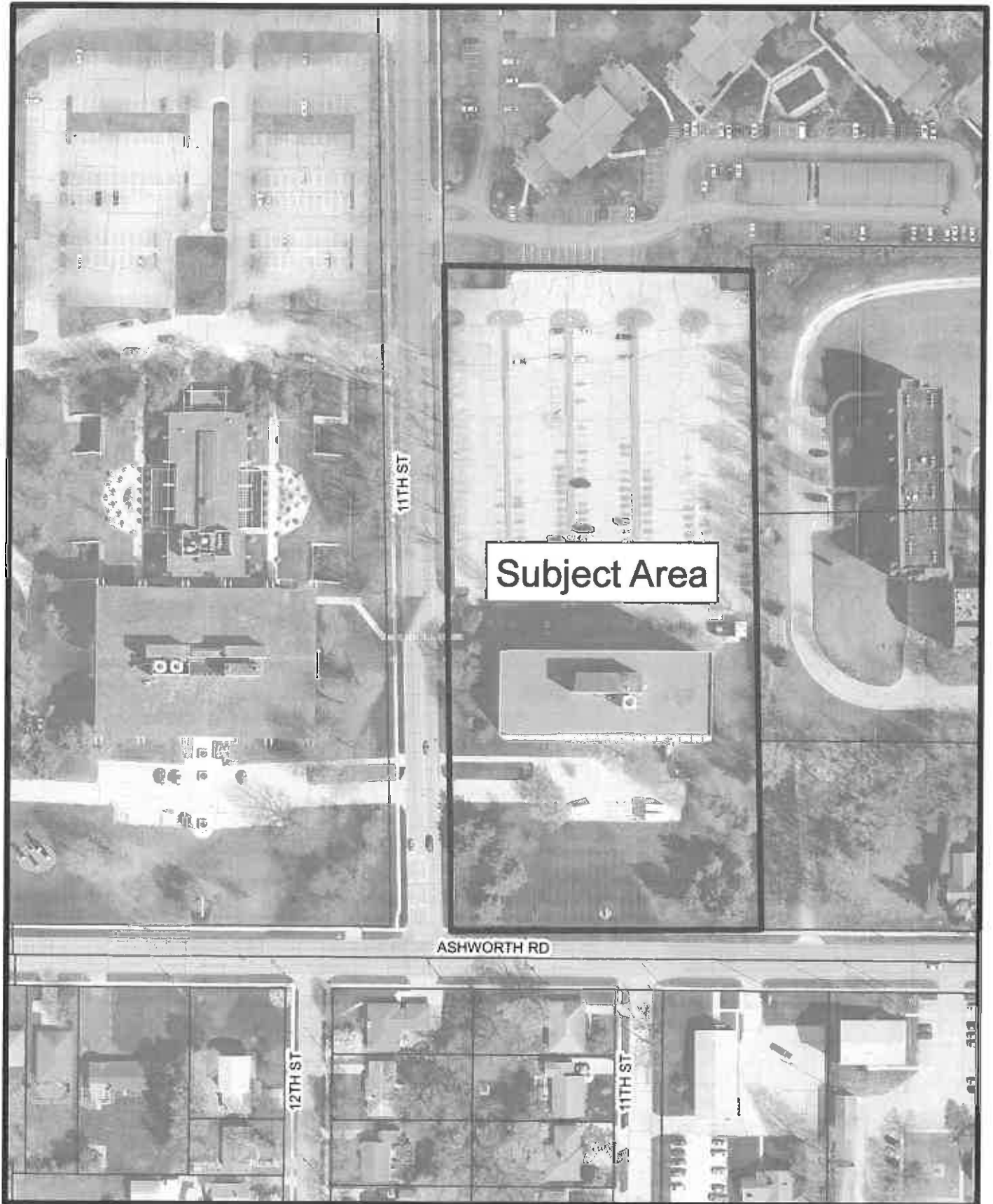
1. Executing a Non-Interference with Emergency Communication Agreement prior to the issuance of any building permit.
2. Providing final site plan drawings addressing all staff comments prior to the issuance of any building permit.

**Exhibit B**  
**LEGAL DESCRIPTION**

Lots 1 and 5 in COLBY'S OFFICE PARK, an Official Plat; Lots 1 and 2 and the East 159.8 feet of the South 480.2 feet of Lot 3 in GOLF AND COUNTRY CLUB PLAT 10, an Official Plat, all now included in and forming a part of the City of West Des Moines, Polk County, Iowa; AND

The East 325 feet of the West 791 feet of the South 700 feet of Lot Seven(7), Golf and Country Club and Lot Thirteen (13), Ashworth, being a tract measuring 325 feet East and West lying East of and adjacent to Eleventh Street as same is now located and 700 feet North and South lying North of and adjacent to Ashworth Road, all now in and forming a part of the City of West Des Moines, Iowa containing 5.22 Acres, now known as Lot Two, Colby's Office Park.

Location Map  
AT&T Cellular Installation  
1025 Ashworth Road





AE



Figure 1 – Existing Building Looking South Towards Rear Entrance



Figure 2 – View of Rear Entrance with Proposed Shelter and Antennas



**Figure 3 -- Additional View of Proposed Shelter and Antennas above Rear Entrance**





Figure 4 – Existing Building Looking West – Neither Penthouse or Proposed Shelter and Antennas are Visible



Figure 5 – Existing Building Looking East – Neither Penthouse or Proposed Shelter and Antennas are Visible



Figure 6 – View Looking North Towards Front Entrance – Shelter Behind Penthouse, Antenna Visibility Obscured



# Shelters



CellXion

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